

**REMARKS**

The present Amendment is filed concurrently with a Request for Continued Examination (RCE) and is responsive to the final Office Action of January 13, 2006.

Claims 1-74 were variously rejected as being anticipated by or obvious over Lipin. Reconsideration and withdrawal of these rejections are respectfully requested.

As the Examiner will note, independent claims 1 and 47 were amended to recite:

defining a plurality of different compensation plans;  
requesting and receiving information from the affiliate to enable the merchant to define a profile of the affiliate;  
selecting which of the plurality of different compensation plans to expose to the affiliate based upon the defined profile of the affiliate;  
exposing the selected ones of the plurality of compensation plans to the affiliate, the exposed compensation plans being tailored to at least one of the affiliate and a product or service offered by the merchant;

New dependent claims 75-77 specify that the information requested and received from the affiliate (claims 1 and 47) and that the information provided to the merchant by the affiliate (claim 29) includes affiliate sales and/or affiliate marketing information.

Independent claims 1 and 47 require that the merchant request and receive information from the affiliate to enable the merchant to define a profile of the affiliate. Claims 1 and 47 also require the merchant to select which of the plurality of different compensation plans to expose to the affiliate based upon the defined profile of the affiliate. The selected ones of the plurality of compensation plans... that are tailored to the affiliate and/or to a product or service offered by the merchant are exposed to the affiliate, as claimed. Thereafter, claims 1 and 47 require the affiliate to provide information to enable the merchant to define a profile of the affiliate and requires the affiliate to accept at least one of the exposed compensation plans that were selected by the merchant based upon the defined profile of the affiliate.

Independent claim 29 requires providing the merchant Web site with information requested by the merchant Web site to enable the merchant to define a profile of the affiliate, and for the affiliate to review a plurality of different compensation plans exposed to the affiliate at the merchant Web site, the exposed plurality of different compensation plans being tailored to the affiliate based upon the information provided by the affiliate to the merchant and the defined profile. The affiliate is then, according to claim 29, required to select at least one of the plurality of compensation plans. Note that the affiliate, in claim 29, must review a plurality of compensation plans, each of which is selected by the merchant based upon the profile of the affiliate defined by the merchant on the basis of the information provided by the affiliate to the merchant Web site.

Therefore, each of the pending independent claims requires that each affiliate provide the merchant with information that enables the merchant to define a profile of the affiliate and each of the independent claims requires that the affiliate be exposed to a plurality of compensation plans, each of which is selected based upon the profile of the affiliate defined by the merchant. According to embodiments of the present invention, the selected compensation plans (note the plural form) are tailored to the affiliate, based upon the defined affiliate profile. From these compensation plans, the affiliate is recited to select one or more compensation plans.

Lipin does not teach or suggest any such functionality, steps or structure. Paragraph [0033] of Lipin only states that "For example, a user visiting a merchant site 52A can click on a link 74 (FIG. 6) to join the merchant's affiliate program." Note the singular form "the merchant's affiliate program." Lipin, therefore, is squarely representative of the prior art in which the affiliate had no choice as to which compensation or affiliate program to join. The system of Lipin does not request information from the affiliate, does not define a profile of the affiliate based upon the requested and received information and does not allow the merchant to tailor

their affiliate program to their affiliates, since Lipin only discloses one affiliate program – the affiliate could either join it or not, no choices were possible.

In the outstanding final Office Action, the Examiner posits: “It would have been obvious to one having ordinary skill in the art at the time of the invention to have enabled a merchant to offer multiple plans.” At the outset, there is no teaching or suggestion in Lipin for exposing an affiliate to multiple compensation plans and allowing the affiliate to select one or more of the exposed compensation plans. Instead, Lipin unambiguously teaches that affiliates can choose to join (or not) the merchant’s single affiliate program. In Lipin, it is an all or nothing proposition: either the affiliate joins the merchant’s one compensation plan, or the affiliate does not, as only a single plan is offered. Moreover, there is no teaching or suggestion in Lipin of the merchant requesting and receiving information from the affiliate to enable the merchant to define a profile of the affiliate, which profile is then used to select which of the plurality of compensation plans to expose to the affiliate. In view of the foregoing, it is respectfully submitted that the rejections of the pending independent claims should be reconsidered and withdrawn. The same, therefore, is respectfully requested.

Applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,

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By: 

Alan W. Young  
Attorney for Applicants  
Registration No. 37,970

Young Law Firm, P.C.  
4370 Alpine Rd., Ste. 106  
Portola Valley, CA 94028  
Tel.: (650) 851-7210  
Fax: (650) 851-7232

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